

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re

EXIDE HOLDINGS, INC., *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 20-11157 (CSS)

Jointly Administered

**STIPULATION REGARDING THE CALIFORNIA DEPARTMENT OF TOXIC  
SUBSTANCES CONTROL’S RULE 30(b)(6) DEPOSITION NOTICE TO DEBTORS**

This Stipulation, entered into by and between Debtors, on the one hand, and the California Department of Toxic Substances Control (“DTSC”), on the other, is made with reference to the following facts and recitals:

**WHEREAS**, on October 5, 2020, DTSC served Debtors with a Notice of Oral Deposition of Debtors’ Designated Representative(s) under Federal Rule of Civil Procedure 30(b)(6) (the “Notice”);

**WHEREAS**, Debtors proposed stipulating to certain facts in lieu of designating a representative to testify on certain topics set forth in Exhibit A to the Notice;

**WHEREAS**, Debtors and DTSC have agreed to stipulate to certain facts that DTSC contends are relevant to its objection to Debtors’ Amended Joint Chapter 11 Plan (the “Plan”) and its objection to Debtors’ proposed abandonment of the Vernon Non-Performing Property (as defined in the Plan).

**NOW, THEREFORE**, Debtors and DTSC hereby stipulate and agree as follows:

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number are Exide Holdings, Inc. (5504), Exide Technologies, LLC (2730), Exide Delaware LLC (9341), Dixie Metals Company (0199), and Refined Metals Corporation (9311). The Debtors’ mailing address is 13000 Deerfield Parkway, Building 200, Milton, Georgia 30004.

1. Debtors are currently spending approximately \$750,000 per month at the Vernon Non-Performing Property on measures to prevent the release of lead and other Constituents of Concern (“COCs”) into the surrounding communities, including utility costs. This includes payroll and benefits, utilities, and third-party vendors.
2. According to line items on invoices from third-party vendor American Integrated Services, Inc., Debtors are currently spending approximately \$ \$126,000 per month to rent and \$90,000 per month to maintain the full enclosure unit (“FEU”) and negative air pressure pumps currently in place at the Vernon Non-Performing Property.
3. Debtors have not completed Phase 1 of the Closure Plan for the Vernon Non-Performing Property.
4. Debtors had no role in establishing, and did not know the basis for, the Plan’s allocation of funding for Debtors’ environmental liabilities at the Non-Performing Properties (as defined in the Plan), including the allocation for the Vernon Non-Performing Property.
5. Debtors will not offer any direct testimony or submit any evidence concerning the Plan’s allocation of funding for Debtors environmental liabilities at the Non-Performing Properties, including the allocation for the Vernon Non Performing Property.
6. Following a reasonable investigation, Debtors are not aware of any calculation that Debtors or their agents or representatives have performed since 2014 regarding their potential liabilities for offsite remediation in connection with the Vernon Non-Performing Property, except for Geosyntec’s draft Residential

RCRA Facility Investigation, dated June 13, 2019, which concluded that Debtors had no such liabilities (a conclusion that DTSC has rejected).

Dated: October 14, 2020  
New York, New York

By: /s/ Matthew Hinker

Xavier Becerra  
Attorney General of California  
Edward H. Ochoa  
Senior Assistant Attorney General

James R. Potter  
California Department of Justice  
Office of the Attorney General  
Public Rights Division  
Environment Section  
300 S. Spring Street  
Los Angeles, CA 90013  
james.potter@doj.ca.gov

Anthony A. Austin  
Heather C. Leslie  
California Department of Justice  
Office of the Attorney General  
Public Rights Division  
Environment Section  
1300 I Street, Suite 125  
Sacramento, CA 95814  
Tel: 916-210-7832  
anthony.austin@doj.ca.gov  
heather.leslie@doj.ca.gov

Nancy Mitchell  
Matthew Hinker  
O'Melveny & Myers LLP  
7 Times Square  
New York, NY 10036  
Telephone: (212) 326-2000  
mhinker@omm.com  
nmitchell@omm.com

Peter Friedman  
O'Melveny & Myers LLP  
1625 Eye Street, NW  
Washington, DC 20006  
Tel: (202) 383-5300  
pfriedman@omm.com

*Attorneys for the California Department of Toxic Substances Control*

Dated: October 14, 2020  
New York, New York

/s/ Jared R. Friedmann

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WEIL, GOTSHAL & MANGES LLP  
Ray C. Schrock, P.C. (admitted *pro hac vice*)  
Sunny Singh (admitted *pro hac vice*)  
Jared R. Friedmann (admitted *pro hac vice*)  
767 Fifth Avenue  
New York, New York 10153  
Telephone: (212) 310-8000  
Facsimile: (212) 310-8007

-and-

RICHARDS, LAYTON & FINGER, P.A.  
Daniel J. DeFranceschi (No. 2732)  
Zachary I. Shapiro (No. 5103)  
One Rodney Square  
920 N. King Street  
Wilmington, Delaware 19801  
Telephone: (302) 651-7700  
Facsimile: (302) 651-7701

*Attorneys for Debtors  
and Debtors in Possession*